

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
The Use of N11 Codes and Other	)	CC Docket No. 92-105
Abbreviated Dialing Arrangements	)	

**COMMENTS OF METROPOLITAN FIBER SYSTEMS, INC.**

Metropolitan Fiber Systems, Inc. ("MFS"), by its undersigned counsel, hereby submits its comments in response to the Notice of Proposed Rulemaking released in this docket on May 6, 1992 (FCC 92-203, 7 FCC Rcd. \_\_\_\_ ) (the "Notice"). For the reasons discussed below, MFS believes that the Commission's proposal to require local exchange carriers ("LECs") to make available abbreviated dialing arrangements using codes in the form N11 is premature, and would unnecessarily restrict opportunities for future local exchange competition. MFS therefore recommends that the Commission seek further comment on the issues identified in these Comments, especially the need for non-discriminatory administration of numbering plan resources such as the N11 codes, before taking any action on this proposal.

**I. INTRODUCTION**

MFS is the largest and leading nationwide provider of competitive access services to business customers. MFS, through its subsidiaries, operates state-of-the-art digital

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fiber optic telecommunications networks in business districts of Atlanta, Baltimore, Boston, Chicago, Dallas, Houston, Los Angeles, Minneapolis, New York, Philadelphia, Pittsburgh, San Francisco, and Washington, D.C. (including suburban Maryland and Virginia). These networks provide a variety of point-to-point dedicated telecommunications transmission services within each of the 13 metropolitan areas served by MFS, including connections between end users and interexchange carrier ("IXC") points of presence, connections among and between IXC facilities, and (where authorized) point-to-point private line services between end-user premises. In addition, MFS currently provides dedicated access to local exchange carrier ("LEC") central offices in New York and Boston for interconnection to LEC intrastate private line and certain switched services, and intends to offer similar access in additional markets as suitable interconnection arrangements become available.

MFS' offerings include high-capacity digital transport (DS1 and DS3) and other services that are competitive with special access services of the dominant LECs, as well as a variety of innovative transport services (for example, European-standard E1 service and 100 megabit per second Local Area Network interconnection service) not generally offered by most LECs. As evidenced by its novel data transmission offerings, MFS is continually exploring creative ways of using its networks to provide greater value to its business customers. Thus, for example, MFS' Chicago subsidiary has applied to the Illinois Commerce Commission for authority to resell local switched services. Also, MFS' New York subsidiary has been granted blanket certification by that state's Public

Service Commission, subject to review of individual tariff filings, to provide and to resell intrastate switched services, including intracity (local) services.

Although MFS does not currently offer or provide any switched services, it is interested in the potential future development of switched services as a means of further enhancing the value of its network to business customers. Subject to state regulatory requirements, MFS may consider offering some forms of switched local exchange service in certain markets within the foreseeable future. Any regulatory action by this Commission relating to the assignment and use of telephone numbers will have a direct and substantial impact on MFS' ability to offer competitive local exchange services in the future. Accordingly, MFS respectfully urges that the Commission consider the effects of its proposed action in this docket on the potential for effective local exchange competition.

## **II. DISCUSSION**

In the *Notice*, the Commission proposed to adopt rules requiring all LECs to make available three-digit abbreviated dialing arrangements (using the numbers 211, 311, 511, 711, and (where not used by the LEC) 411 and 811, subject to possible future reassignment of these codes by the "Administrators of the North American Numbering Plan." The Commission suggested that these codes are being sought primarily by enhanced service providers, but requested comment on whether they should be made available for purposes other than enhanced services. *Notice*, para. 14.

Although the Commission noted briefly that three-digit dialing is an exception to the general rule in the North American Numbering Plan ("NANP"), *id.*, paras. 9, 18, it otherwise gave little consideration to the broader consequences of its proposal for the NANP.<sup>1</sup> A uniform numbering plan is an essential prerequisite to an integrated public switched telephone network; there must be a single, consistent set of numbering principles so that all switching equipment connected to the network (whether operated by carriers or by customers) can correctly route each call to its correct destination.

Because of the need for a uniform numbering plan, it is imperative that if and when regulators authorize competitive provision of local exchange service, the numbering plan must be able to accommodate the new market entrant(s). The Commission has, of course, already faced this concern in the context of cellular and other radio common carrier services, and has mandated that these competitive carriers be integrated into the numbering plan through assignment of dedicated central office (NXX) codes.<sup>2</sup> As other forms of competition enter the local exchange, it will be necessary to provide for similar integration of new carriers into the numbering plan, so that all users of the network

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<sup>1</sup> MFS has previously submitted comments in support of NARUC's petition for a general investigation of numbering issues. *See Administration of the North American Numbering Plan*, Public Notice, DA 91-1307, 6 FCC Rcd. 6070 (1991); Comments of MFS (filed Dec. 20, 1991); Reply Comments of MFS (filed Jan. 17, 1992). The Commission has suggested that it will "take up broader numbering issues, such as those raised in connection with the NARUC petition, in a separate proceeding." *Notice*, para. 11 n.5. For the reasons set forth in these Comments, however, MFS respectfully submits that the Commission should give careful consideration to the broader effects of its proposal and its implications for related issues before taking any action in this docket.

<sup>2</sup> *See Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services*, Policy Statement, 59 R.R.2d 1275 (1986), Declaratory Ruling, 2 FCC Rcd. 2910 (1987), *on recon.*, 4 FCC Rcd. 2369 (1989) ("*Cellular Interconnection Proceeding*").

(regardless of which carrier's service they use) will be able to communicate with all other users. In addition, as MFS has discussed in detail in its comments in response to the NARUC petition (see note 1, above), it will be increasingly important in a more competitive market to ensure that no single competitor gains an unfair advantage through control of number assignments.

Against this background, the Commission's proposal to mandate the assignment of N11 codes raises a number of troublesome issues. The proposed rules would require "local exchange carriers" to make these codes available, but do not specify *which* local exchange carrier would assign the codes. It is very common today for two or more local exchange carriers to serve neighboring exchanges. For example, the 708 area code (or Numbering Plan Area) for the Chicago suburbs is served in part by Illinois Bell, in part by Central Telephone of Illinois, GTE, and a number of other independent LECs, and in addition by two cellular carriers. If each of these carriers could assign the code "211" to a different enhanced service provider, customer confusion would be inevitable. Advertisements for these services in Chicago newspapers and magazines, and on local radio and television broadcasts, would reach consumers in all of these various LEC service areas. These consumers would be puzzled, at best, by the spectacle of three or more different companies all advertising the same "211" telephone number.

If, on the other hand, only one service provider could be assigned the "211" code in each Numbering Plan Area, the Commission would have to determine which of the

LECs could assign that code.<sup>3</sup> The one LEC given this privilege would then be in a position to market this service throughout the entire Numbering Plan Area, even to customers in other companies' service territories. To the extent that any competition is permitted in providing local exchange service, this privileged LEC would have an obvious and significant advantage over its rivals. Assignment by a neutral party would clearly be preferable, but this would require the Commission to determine the qualifications of a neutral numbering administrator and to specify procedures for selecting such a party (or parties, if different geographic areas have different administrators).

Moreover, the proposal appears to assume that the incumbent LECs could assign all of the available N11 codes to customers as soon as any demand exists. Perhaps the LEC could even assign some or all of these codes to its own affiliated enhanced services operations.<sup>4</sup> In any event, it is very likely that these codes will be "snapped up" very quickly once they become available, since there is likely to be some marketing advantage in having an easily-remembered three-digit telephone number. *See Notice*, para. 15. If a new carrier obtains regulatory authority to provide competitive local exchange services

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<sup>3</sup> This approach would reduce but *not* eliminate customer confusion, since there could still be different service providers using the same code in adjoining Numbering Plan Areas. The Chicago metropolitan area, for example, is served by the 312 and 708 area codes; and advertisements in this market also reach consumers in southern Wisconsin (area code 414) and northwest Indiana (area code 219). Similar conditions exist in many other populous metropolitan areas.

<sup>4</sup> The *Notice* states, para. 16, that LECs would have to assign codes in a nondiscriminatory manner. Nonetheless, if there is no immediate demand for these codes from third parties, the LEC could create an enhanced services affiliate and request the codes itself. It would then be able to monopolize all of the codes under the "nondiscriminatory" principle of first come, first served.

one or two years from now, it will have no opportunity to offer this abbreviated dialing service if all of the available codes are already in use by the incumbent LECs. The Commission should not act precipitously to foreclose the potential for future competition.

The proposal also is inconsistent with the general NANP rule that every telephone number is unique. Any complete ten-digit NANP number specifies one and only one destination, and that number can be dialed from anywhere in North America or, with the appropriate dialing prefixes, anywhere in the world.<sup>5</sup> By contrast, a three-digit N11 code could be dialed only within a limited geographic area, and could be assigned to other customers in other areas. It would be impossible to access these numbers from outside of their assigned geographic areas, disrupting the uniformity and consistency of the numbering plan.

MFS respectfully submits that the Commission lacks a sufficient record to proceed with its proposal at this time. The issues identified above should be examined in a broader context, including the question of non-discriminatory administration of *all* numbering plan issues as raised in the NARUC petition.

#### CONCLUSION

For the reasons set forth above, the Commission should request further comment concerning the non-discriminatory administration of N11 codes and other numbering plan

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<sup>5</sup> Some specialized numbers, such as 800 and 900 prefix numbers, do not correspond to a unique *physical* destination, but each such number is assigned to a single customer who can specify the routing and destination of calls dialed to it.

resources, and the other potential impacts of N11 code assignments, before taking any action in this rulemaking.

Respectfully submitted,

A handwritten signature in cursive script, reading "Andrew D. Lipman" followed by a flourish.

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Dated: June 5, 1992

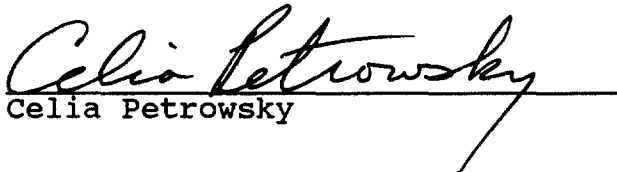


CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June 1992, copies of Comments of Metropolitan Fiber Systems, Inc. were served by hand on the following:

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